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August 8, 2006

VIA FACSIMILE: (571) 273-6500

United States Patent and Trademark Office
Commissioner for Patents
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Mail Stop : **Office of Finance - Refund Branch**

Re: Request for Refund for Deposit Account No. 13-4500
U.S. Patent Application Serial No. 10/697,182 to DUBROVIN, et al.
For: A METHOD OF CONTROL OF LIGHT BEAMS EMITTED BY A LIGHTING APPARATUS OF A VEHICLE AND A SYSTEM, FOR PERFORMING THIS METHOD
Confirmation No. 8186
Attorney Docket No. 1948-4824

Dear Sir:

Applicants hereby request a refund for a $200.00 claim fee overpayment resulting from the erroneous indication of an additional independent claim in the above-identified matter.

On August 2, 2006, Applicants filed an Amendment Under 37 CFR 1.111 using the USPTO Electronic Filing System (EFS), and pre-authorized the payment of a two-hundred dollar ($200.00) claim fee to Deposit Account 13-4500 for one independent claim in excess of the three independent claims allowed with the filing fee (e.g., that the amendment raised the total number of independent claims in the application to four). However, the Amendment filed on August 2, 2006, for Application Serial No. 10/697,182 only raised the number of independent claims to a total of three, did not exceed the allowed amount of claims for this application, and therefore the claim fee charged to Deposit Account 13-4500 was in error. A copy of the as-filed papers and Electronic Acknowledgement Receipt for this application is attached.

PAGE 1/14 * RCVD AT 8/8/2006 9:31:05 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/16 * DNIS:2736500 * CSID:202 857 3730 * DURATION (mm-ss):05-24

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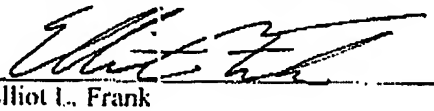
Therefore, the amount believed to be owed to Applicants is $200.00. The Commissioner is hereby authorized to credit the aforementioned overpayment to Deposit Account No. 13-4500, Order No. 1948-4824.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: August 8, 2006

By: 

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PAGE 2/14 * RCVD AT 8/8/2006 9:31:05 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/16 * DNIS:2736500 * CSID:202 857 3730 * DURATION (mm-ss):05-24

Acknowledgement Receipt

The USPTO has received your submission at **12:10:11** Eastern Time on **02-AUG-2006** by Deposit Account: 134500.

$ 320 fee paid by e-Filer via *RAM* with Confirmation Number: 800.

You have also pre-authorized the following payments from your USPTO Deposit Account:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 and 1.17

eFiled Application Information

EFS ID	1137434
Application Number	10697182
Confirmation Number	8186
Title	Method of control of light beams emitted by a lighting apparatus of a vehicle and a system for performing this method
First Named Inventor	Alex Dubrovin
Customer Number or Correspondence Address	27123
Filed By	Elliot Lyle Frank
Attorney Docket Number	1948-4824
Filing Date	29-OCT-2003
Receipt Date	02-AUG-2006
Application Type	Utility

Application Details

Submitted Files	Page Count	Document Description	File Size	Warnings
1948-4824AMEND.pdf	10		323941 bytes	PASS

Document Description	Page Start	Page End
Amendment - After Non-Final Rejection	1	1
Claims	2	6
Applicant Arguments/Remarks Made in an Amendment	7	10

fee-info.pdf	2	Fee Worksheet (PTO 875)	8351 bytes	PASS

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

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Docket No. 1948-4824

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Alex Dubrovin et al.		
Serial No.:	10/697,182	Group Art Unit:	3661
Filed:	October 29, 2003	Examiner:	Gibson, Eric M.

For: METHOD OF CONTROL OF LIGHT BEAMS EMITTED BY A LIGHTING APPARATUS OF A VEHICLE AND A SYSTEM FOR PERFORMING THIS METHOD

AMENDMENT UNDER 37 CFR 1.111

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Official Action (Paper No. 03312006) dated April 7, 2006, Applicant respectfully requests reconsideration in view of the following amendments and remarks.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

PAGE 5/14 * RCVD AT 8/8/2006 9:31:05 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/16 * DNIS:2736500 * CSID:202 857 3730 * DURATION (mm-ss):05-24

Listing of Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently amended) A method ~~of~~ for controlling ~~light beams emitted by~~ a lighting apparatus ~~of~~ in a vehicle ~~travelling~~ traveling on a road[,] as a function of the geometry of the ~~said~~ road, ~~the method~~ comprising ~~the steps of~~:

[-] sensing, by means of at least one sensor ~~on the vehicle, at least one item of~~ vehicular information relating to the dynamic ~~behaviour~~ behavior of the vehicle,

[-] obtaining ~~a set of~~ navigation data, ~~in particular comprising the form of~~ the including at least road geometry and a reliability rate,

[-] comparing the reliability rate with a predetermined reliability threshold value;

[-] if the reliability rate is higher than the reliability threshold value, ~~determining a command to be applied to the lighting apparatus taking into account at least part of the set of navigation data, then making a comparison with a command which has regard only to the item or items of information relating to the dynamic behaviour of the vehicle, whereby to determine the effective command to be applied,~~ further comparing trajectory information derived from the vehicular information to trajectory information derived from the navigation data to determine a consistency level, the consistency level being utilized to decide whether to employ the vehicular trajectory information or navigation trajectory information in controlling the lighting apparatus; and

PAGE 6/14 * RCVD AT 8/8/2006 9:31:05 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/16 * DNIS:2736500 * CSID:202 857 3730 * DURATION (mm-ss):05-24

[-] if the reliability rate is lower than the reliability threshold value, the ~~lighting command to be applied is based only on at least one item of data relating to the dynamic behaviour of the vehicle~~ controlling the lighting apparatus using the vehicular trajectory information.

2. (Currently amended) ~~A~~ The method of control according to Claim 1, wherein ~~it includes a step of~~ sensing the vehicular information includes a plurality of items of information relating to the ~~behaviour~~ behavior of the vehicle.

3. (Currently amended) ~~A~~ The method of control according to Claim 1, wherein it includes a smoothing operation for the control data.

4. (Currently amended) ~~A~~ The method of control according to Claim 1, wherein the control of the lighting apparatus is for orientation of the light beams.

5. (Currently amended) ~~A~~ The method of control according to Claim 1, wherein the control of the lighting apparatus is for selection of the size and/or form of the light beams.

6. (Currently amended) ~~A~~ The method of control according to Claim 1, wherein the control of the lighting apparatus consists in switching on or switching off the light beams.

7. (Currently amended) A control system for controlling ~~light beams emitted by~~ a lighting apparatus ~~of~~ in a vehicle ~~travelling~~ traveling on a road as a function of the geometry of the said road, comprising:

at least one sensor connected to the vehicle and giving information relating to the ~~behaviour~~ behavior of the vehicle~~, wherein it comprises~~:;

[-] an on-board navigation system[;];

PAGE 7/14 * RCVD AT 8/8/2006 9:31:05 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/16 * DNIS:2736500 * CSID:202 857 3730 * DURATION (mm-ss):05-24

[-] an apparatus for processing information supplied by the sensor and by the navigation system[,] in order to determine whether the reliability rate of information supplied by the navigation system meets a minimum reliability level, and whether the information supplied by the navigation system is consistent with regard to the sensor information relating to the behavior of the vehicle; and

[-] ~~command means~~ a controller for the lighting apparatus.

8. (Currently amended) ~~A~~ The control system according to Claim 7, wherein the navigation system includes at least one mapping system and a GPS.

9. (Currently amended) ~~A~~ The control system according to Claim 7, wherein the sensor is a sensor ~~of~~ monitoring the vehicle itself.

10. (Currently amended) ~~A~~ The control system according to Claim 7, wherein the sensor is a peripheral sensor.

11. (Currently amended) ~~A~~ The control system according to Claim 7, wherein it includes a plurality of sensors of monitoring the vehicle itself and/or peripheral sensors.

12. (Currently amended) ~~A~~ The control system according to Claim 9, wherein the vehicle sensor is a steering wheel angle sensor, or a sensor for the speed of the vehicle, or a road bend sensor, or a radial force sensor.

13. (Currently amended) ~~A~~ The control system according to Claim 10, wherein the peripheral sensor is a camera or a white-line detector or a fog detector.

14. (Original) An automotive lighting apparatus using the control system claimed in Claim 7.

PAGE 8/14 * RCVD AT 8/8/2006 9:31:05 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/16 * DNIS:2736500 * CSID:202 857 3730 * DURATION (mm-ss):05-24

15. (Original) A motor vehicle equipped with at least one lighting system according to Claim 14.

Please enter the following NEW claims:

16. (NEW) A method for controlling a lighting device in a vehicle traveling on a road according to the geometry of the road, comprising:

capturing, by at least one sensor, vehicular information relating to the dynamic behavior of the vehicle and determining a first lighting command based solely on the vehicular information;

obtaining navigation information comprising at least the shape of the road and a confidence level for the said navigation information, comparing the confidence level with a previously determined confidence threshold;

if the confidence level is lower than the confidence threshold, applying the said first lighting command to the lighting device; and

if the confidence level is higher than the confidence threshold:

determining a second lighting command based on the navigation information;

comparing the said first and second lighting commands;

applying the second lighting command to the lighting device when a difference between the said first and second lighting commands is lower than a predetermined threshold; and

PAGE 9/14 * RCVD AT 8/8/2006 9:31:05 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/16 * DNIS:2736500 * CSID:202 857 3730 * DURATION (mm-ss):05-24

applying the first lighting command to the lighting device when a difference between the said first and second lighting commands is higher than a predetermined threshold.

PAGE 10/14 * RCVD AT 8/8/2006 9:31:05 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/16 * DNIS:2736500 * CSID:202 857 3730 * DURATION (mm-ss):05-24

REMARKS

I. Status of the Claims

Claims 1-15 were pending in the application prior to this amendment. In this amendment, claims 1-13 have been amended. Claim 16 is new, and is now presented to the Examiner for consideration. No new matter has been introduced as a result of this Amendment.

II. Rejections Under 35 U.S.C. §112, Second Paragraph

Claims 5 and 11 stand rejected under 35 U.S.C. §112, Second Paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the Examiner asserts that the use of the term "and/or" renders the scope of the claims indefinite.

Applicants respectfully disagree with the Examiner's contention. Section 2173.05(h) of the MPEP allows for the use of alternative expressions in a claim. The use of alternative expressions does not necessarily render the metes of bounds of a claim indiscernible. For example, in claim 5 the phrase, "size and/or form of the light beams" indicates that the size, the form or the size and form may be selected. Similarly for claim 11, the sensors may consist of sensors that monitor the vehicle itself, peripheral sensors or a combination of both.

In view of the above, Applicants believe that the 35 U.S.C. §112, Second Paragraph, rejection should be withdrawn.

II. Rejections Under 35 U.S.C. §102 (b):

Claims 1, 2, 4-12, 14 and 15 stand rejected under 35 U.S.C. §102 (b) as being anticipated by US 2002-0080617 A1 to Niwa et al. (hereafter, "Niwa"). More specifically, the Examiner contends that Niwa anticipates each and every limitation in the aforementioned claims.

Niwa is a system for controlling a lighting system within a vehicle. The Niwa system may take information from sensors within the vehicle, such as a steering wheel position sensor (Niwa, paragraph 0064) and information from a navigation system (Niwa, paragraph 0057) in order to determine how to control the lighting apparatus. A comparison is made based

PAGE 11/14 * RCVD AT 8/8/2006 9:31:05 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/16 * DNIS:2736500 * CSID:202 857 3730 * DURATION (mm-ss):05-24

on a reliability value to control using sensors, navigation, or a combination of both (Niwa, paragraph 0166-0168). Applicants respectfully disagree with the Examiner's assertion that Niwa anticipates the present invention, as claimed.

Claims 1-13 have been amended to more clearly recite the present invention. Claim 1, as amended, recites in part, "if the reliability rate is higher than the reliability threshold value, further comparing trajectory information derived from the vehicular information to trajectory information derived from the navigation data to determine a consistency level, the consistency level being utilized to decide whether to employ the vehicular trajectory information or navigation trajectory information in controlling the lighting apparatus." Niwa, as best understood, neither recites nor implies any further comparison, after the initial testing is completed regarding the reliability rate of the navigation data vs. the reliability threshold value, to ensure consistency between control commands formulated with respect to information provided by vehicular sensors vs. control commands formulated from navigation information. Support for this functionality may be found in the specification, for example, on pages 12 and 13, as well as in FIG 2.

In view of the above, at least claims 1 and 7 are distinguishable from the cited reference Niwa. Further, claims 2, 4-6, 8-12, 14 and 15 are also distinguishable due to their dependence on independent claims 1 and 7. As a result, Applicants respectfully believe that the 35 U.S.C. §102(b), rejection should be withdrawn.

III. Rejections Under 35 U.S.C. §103(a):

Claim 3 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Niwa. More specifically, the Examiner asserts that claim 3 is obvious in view of Niwa and information known to one of ordinary skill in the art at the time the invention was made.

Initially, Claim 3 depends from claim 1, and therefore, claim 3 is distinguishable from Niwa for the same reasons stated with regard to claim 1 above. Further, the Examiner does not reference any support for the asserted obviousness, and cites the same motivation as recited in the present application. This motivation would be considered impermissible hindsight based on the disclosure, and as a result, Applicants believe that this rejection is improper under the

PAGE 12/14 * RCVD AT 8/8/2006 9:31:05 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/16 * DNIS:2736500 * CSID:202 857 3730 * DURATION (mm-ss):05-24

provisions set forth in 35 U.S.C. §103(a). The Examiner has failed to prove all the criteria required for sustaining a rejection for obviousness, and therefore it should be withdrawn.

Claim 13 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Niwa in view of U.S. 2002-0080618 A1 to Kobayashi (hereafter, "Kobayashi"). More specifically, the Examiner asserts that claim 13 is obvious in view of the combined teachings of Niwa and Kobayashi.

Claim 13 depends from claim 7, and therefore, claim 13 is distinguishable from the combination of Niwa and Kobayashi for the same reasons previously discussed with regard to claim 7, as amended, and the Niwa reference alone.

In view of the above, Applicants respectfully believe that the 35 U.S.C. §103(a) rejection to claim 13 should be withdrawn.

PAGE 13/14 * RCVD AT 8/8/2006 9:31:05 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/16 * DNIS:2736500 * CSID:202 857 3730 * DURATION (mm-ss):05-24

CONCLUSION

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of the application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4503, Order No. 1232-5232. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4503, Order No. 1948-4824. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: August 2, 2006 By:

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PAGE 14/14 * RCVD AT 8/8/2006 9:31:05 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/16 * DNIS:2736500 * CSID:202 857 3730 * DURATION (mm-ss):05-24

Electronic Patent Application Fee Transmittal

Application Number:	10697182
Filing Date:	29-Oct-2003
Title of Invention:	Method of control of light beams emitted by a lighting apparatus of a vehicle and a system for performing this method
First Named Inventor:	Alex Dubrovin
Filer:	Elliot Lyle Frank
Attorney Docket Number:	1948-4824

Filed as Large Entity

Utility Filing Fees

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Basic Filing:				
Pages:				
Claims:				
Independent claims in excess of 3	1201	1	200	200
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				

Adjustment date: 08/18/2006 SFELEKE1
08/02/2006 INTEFSW 00000800 134500 10697182
01 FC:1201 200.00 CR

Description	Fee Code	Quantity	Amount	Sub-Total in USD($)
Extension - 1 month with $0 paid	1251	1	120	120
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